

Appl. No. 09/806,047
Atty. Docket No. AA348X
Amdt. Dated November 16, 2004
Reply to Office Action of September 21, 2004
Customer No. 27752

REMARKS

Claims 1-20 are pending in the present application. Claims 1-8 and 10-19 stand rejected.

Claims 1, 10, and 11 have been amended to provide additional clarity. Claims 1, 10, and 11 have been amended to include the phrase "of the first nonwoven layer during manufacture."

Claim 20 has been cancelled without prejudice.

No new matter is believed to have been added. Consequently, entry of these amendments is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-8 and 10-19 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In support of this rejection, the Office states that "the phrase 'wherein the laminate exhibits elasticity with mechanical stretching' does not clearly point out that Applicant's article does not include a mechanical stretching step during the manufacturing process." *Office Action of September 21, 2004; Paragraph 4.* Applicant has amended the phrase in question (*i.e.*, "wherein the laminate exhibits elasticity with mechanical stretching") to read "wherein the elastic laminate exhibits elasticity without mechanical stretching of the first nonwoven layer during manufacture." This amendment is applicable to Claims 1, 10, and 11.

Since this amendment merely adopts the Office's suggestion as to form as set forth in the Office Action of September 21, 2004, Paragraph 4; the requirements of 37 C.F.R. § 1.116(b) are believed to have been met. As a result, entry of the amendment is respectfully requested.

CONCLUSION

All rejections in the Office Action have been addressed. Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections. Allowance of each of the pending claims is respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Date: November 16, 2004
Customer No. 27752

Eric T. Addington
Registration No. 52,403
(513) 634-1602